THE BOMBAY DEVADASIS PROTECTION ACT, 1934.

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BOMBAY ACT No. X OF 1934.[1]

[THE BOMBAY DEVADASIS PROTECTION ACT, 1934.]

[*15th October 1934.*]

Adapted and modified by the Adaptation of Indian Laws Order in Council.

An Act to protect devadasis and to prevent the dedication of women to Hindu deities, idols, objects of worship, temples and religious institutions in the Bombay Presidency.

WHEREAS the practice of dedicating women as devadasis to Hindu deities, idols, objects of worship, temples or other religious institutions exists in the Bombay Presidency;

AND WHEREAS such practice, however ancient and pure its origin, now leads such women to a life of prostitution;

AND WHEREAS it is now desirable and expedient to end such practice, wherever it exists in the Bombay Presidency;

AND WHEREAS the previous sanction of the Governor General required by section 80A (*3*) and of the Governor required by section 80C of the Government of India Act have been obtained for the passing of this Act; It is hereby enacted as follows:—

5 & 6 Geo. V, c. 61.

Short title and extent.

1. (*1*) This Act may be called the Bombay Devadasis Protection Act, 1934.

(*2*) It extends to the whole of the Bombay Presidency.

Definitions.

2. In this Act, unless there is something repugnant in the subject or context:—

(*a*) "devadasi" means any unmarried woman who is dedicated to any Hindu deity, idol, object of worship, temple or other religious institution;

(*b*) "temple" means a place by whatever designation known, dedicated to, or used by, the Hindu community, or any section thereof as a place of religious worship; and

(*c*) "woman" means a female human being of any age.

Illegality of dedication of a woman as a devadasi.

3. The performance of any ceremony intended to dedicate or having the effect of dedicating a woman as a devadasi, whether such woman has or has not consented to the performance of such ceremony, is hereby declared unlawful and to be of no effect, any custom or rule of Hindu Law to the contrary notwithstanding.

Marriage by a devadasi.

4. No marriage contracted by a woman shall be invalid and no issue of such marriage shall be illegitimate by reason of such woman being a devadasi, any custom or rule of Hindu Law to the contrary notwithstanding.

Penalty.

5. Whoever, other than the woman to be dedicated, performs, permits, takes part in or abets the performance of, any ceremony referred to in section 3, shall, on conviction, be punishable with imprisonment of either description for a term which may extend to one year, or with fine or with both.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1933, Pt. V, pp. 1029-1031; for Report of the Select Committee, *see ibid* 1934, Pt. V, pp. 62-65; and for Proceedings in Council, see Bombay Legislative Council Debates, 1933 and 1934, Vols. XXXVIII, XXXIX and XL.

Release of land from liability for performance of service.

6. (*1*) Notwithstanding any adjudication or settlement made under the Bombay Rent-free Estates Act, 1852, the Exemptions from Land-revenue (No. 1) Act, 1863, and the Exemptions from Land-revenue (No. 2) Act, 1863, or rules made thereunder, or the terms of any grant made or sanad issued by [1][or on behalf of the Crown], when lands are assigned as emoluments for the performance by a devadasi of any services as such, the Collector shall, after holding such inquiry as may be prescribed, by order in writing, direct that the land shall be released from liability for performance of such services and that there shall be paid by the holder of such land in lieu of such services such rent as the Collector shall determine in the prescribed manner: XI of 1852. Bom. II & VII of 1863.

Provided that if a woman who is a devadasi at the time when this Act comes into force, is the holder of such land or performs services as a devadasi for which such land is assigned and appears at such inquiry or gives notice in the prescribed manner and objects to the release of the land and the payment of rent under the provisions of this section the Collector shall pass orders directing that the land shall not be released and rent shall not be payable under this section during the lifetime of such devadasi.

(*2*) Rent directed to be paid under sub-section (*1*) shall, when the performance of such services is for the benefit of a Hindu deity, idol, object of worship, temple or other religious institution, be payable by the holder to or on account of such deity, idol, object of worship, temple or other religious institution and in other cases to [2][the Crown for the purposes of the Province].

Explanation.—Land shall have the same meaning as defined in the Bombay Land Revenue Code, 1879. Bom. V of 1879.

Power to make rules

7. (*1*) [3][The Provincial Government] may make rules generally for the purpose of carrying out the provisions of this Act and in particular for the manner in which the Collector shall hold an inquiry and determine the rent under section 6 and the manner in which notice of objection shall be given under the said section.

(*2*) The rules to be made under this section shall be subject to the condition of previous publication.

(*3*) Rules made under this section shall be laid [4][before each of the Chambers of the Provincial Legislature] at the session [5][thereof] next following and shall be liable to be modified or rescinded by a resolution [6][in which both the Chambers concur], and such rule shall, after notification in the [7][*Official Gazette*], be deemed to have been modified or rescinded accordingly:

Provided that when, in the opinion of [3][the Provincial Government], such modification or rescission is likely to defeat or frustrate any of the purposes of the Act, [3][the Provincial Government] may, by notification in the [7][*Official Gazette*], declare that the modification or rescission shall have no effect, and thereupon the rule shall remain in force as if it had not been modified or rescinded.

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[1] The words "or on behalf of the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "the Crown for the purposes of the Province" were substituted for the word "Government", *ibid.*

[3] The words "The Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[4] The words "before each of the Chambers of the Provincial Legislature" were substituted for the words "upon the table of the Bombay Legislative Council", *ibid.*

[5] The word "thereof" was substituted for the words "of the said Council", *ibid.*

[6] The words "in which both the Chambers concur" were substituted for the words "of the said Council", *ibid.*

[7] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid.*